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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,788	11/03/2003	James Beasley	340158002US1	5496

25096 7590 11/14/2006

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EXAMINER

GARY, ERIKA A

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,788

Applicant(s)

BEASLEY ET AL.

Examiner

Erika A. Gary

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's submission of prior art, Arazi et al., US Patent Number 6,430,395 (hereinafter Arazi) in view of Larsson et al, US Patent Number 6,751,200 (hereinafter Larsson).

Regarding claims 1, 4, 6, 7, 20-25, 28-30, 42, 43, 46, 47, and 48, Arazi discloses a system for wirelessly exchanging communications with at least one mobile unit, the system comprising: a first base station unit coupled to a network; a second base station unit coupled to the network, wherein the first and second base station units are configured to communicate wirelessly with the mobile unit under a Bluetooth protocol and to automatically handoff the mobile unit from the first base station unit to the second base station unit; wherein the first and second base station units are configured to: use a low power class capability to inquire whether Bluetooth compatible devices are within a near communications range; use a medium power class capability to inquire whether Bluetooth compatible devices are within an intermediate communications range; use a high power class capability to inquire whether Bluetooth compatible devices are within a far communications range; store at least one record that identifies any Bluetooth

Art Unit: 2617

compatible devices are within the near, intermediate and far communications ranges; identify which devices are base station units capable of accepting the mobile unit during a handoff and update the at least one record to reflect changes in base station units capable of accepting the mobile unit during a handoff [col. 3: lines 45-55; col. 4: lines 15-39; col. 9: lines 12-22; col. 22: lines 5-22; col. 23: lines 59-67].

What Arazi does not specifically disclose is that the identification of base station units (or fixed short-range wireless switch) results from a wireless inquiry signal from the identifying base station and a wireless response signal back from the identified base station. However, Larsson teaches this limitation [col. 2: lines 41-67].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Arazi to include Larsson. The motivation for this combination would have been to specifically point out the method for neighbor discovery in order to find other units with which to communicate [Larsson, col. 2: lines 41-45].

Regarding claims 2, 5, 8, 9, 31, 32, 44, and 45, Arazi discloses a system controller coupled to the first and second base station units and to the network, wherein the system controller is configured to mediate communications between the first and second base stations and the network, wherein the low, medium and high power classes include 0 dB, 4 dB and 20 dB power classes, respectively, wherein identifying which devices are base station units capable of accepting the mobile unit during a handoff includes employing a Bluetooth service discovery protocol to identify services associated with identified devices; and wherein updating the at least one record includes again using the low, medium and high power class capabilities to inquire

whether Bluetooth compatible devices are within the near, intermediate and far communications ranges, and updating the at least one record when a rediscovery period has expired [col. 22: lines 5-22; col. 32: lines 10-23].

Regarding claims 3, 12, 13, and 15, Arazi discloses wherein updating the at least one record includes: sending periodic signals to neighboring base station units, wherein the periodic signals include information identifying the base station unit that sends the periodic signals; receiving periodic signals from at least one neighboring base station unit; determining an identity of the one neighboring base station unit based on the received periodic signals; and updating the at least one record if a periodic signal is not received from a previously neighboring base station [col. 14: lines 15-39; col. 27: lines 37-54; col. 29: lines 38-51].

Regarding claims 10, 11, 17, 19, 33, 36-39, Arazi discloses comprising automatically updating the stored neighbor list to reflect changes in neighboring base station units, and wherein sending at least one inquiry signal and receiving a response signal is performed wirelessly between the base station unit and the neighboring base station unit [col. 27: lines 36-58].

Regarding claims 14, 16, 26, 27, 34, and 35, Arazi discloses determining whether a certain time period associated with at least a portion of the stored neighbor list has expired, and if so, then again sending at least one inquiry signal, receiving a response signal, and updating the stored neighbor list [col. 29: lines 38-51].

Regarding claims 18, 40, and 41, Arazi discloses the base station is stationary [col. 8: lines 23-36].

3. Claims 4, 20, 25, 28, 29, 42, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martini et al., US Patent Number 6,675,015 (hereinafter Martini) in view of Larsson.

Regarding claims 4, 20, 25, 28, 29, 42, and 47, Martini discloses a method of creating a list of neighboring base station units in a wireless communications network, wherein at least one mobile unit communicates with at least a portion of the network, the method of creating the list of neighboring base station units comprising: at a stationary base station unit in the communications network, sending at least one inquiry signal to neighboring wireless devices; at the stationary base station unit in the communications network, receiving at least one response signal from at least one neighboring base station unit in the communications network, wherein the one neighboring base station unit is stationary; at the stationary base station unit in the communications network, identifying the one neighboring base station unit based in part on the received response signal, wherein identifying the at least one neighboring base station unit is done without involvement of the mobile unit and without involvement of a system controller for the communications network; and at the stationary base station unit in the communications network, providing a stored neighbor list that identifies the one neighboring base station unit in the communications network [col. 2: line 37 – col. 3: line 56].

What Martini does not specifically disclose is that the identification of base station units (or fixed short-range wireless switch) results from a wireless inquiry signal from the

identifying base station and a wireless response signal back from the identified base station. However, Larsson teaches this limitation [col. 2: lines 41-67].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Martini to include Larsson. The motivation for this combination would have been to specifically point out the method for neighbor discovery in order to find other units with which to communicate [Larsson, col. 2: lines 41-45].

Response to Arguments

4. Applicant's arguments with respect to claims 1, 4, 20, 25, 28, 29, 42, and 47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Souissi et al., US Patent Application Publication Number 2002/0142721, disclose a method and device for selecting a wireless communication path.

Dehner et al., US Patent Application Publication Number 2003/0035464, disclose a method and apparatus for facilitating handoff in a wireless local area network.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
November 8, 2006


ERIKA A. GABY
PRIMARY EXAMINER